

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

FILED

SEP - 8 2005

Chief Judge Charles P. Kocoras
United States District Court

UNITED STATES OF AMERICA *ex rel.*
DAVID WEISS, M.D.,

Plaintiffs,

v.

LABORATORY CORPORATION OF
AMERICA HOLDINGS, and LABORATORY
CORPORATION OF AMERICA and/or ALL
SUBSIDIARIES OF LABORATORY
CORPORATION OF AMERICA
HOLDINGS,

Defendants.

~~Under Seal~~

No. 03 C 4016

Judge Kocoras

**GOVERNMENT'S NOTICE OF
ELECTION TO DECLINE INTERVENTION**

Pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(4)(B), the United States notifies the court of its decision not to intervene in this action.

Although the United States declines to intervene, 31 U.S.C. § 3730(b)(1) allows the relator to maintain the action in the name of the United States; providing, however, that the "action may be dismissed only if the court and the Attorney General give written consent to the dismissal and their reasons for consenting." *Id.*

Therefore, the United States requests that, should the relator or the defendants propose that this action be dismissed, settled, or otherwise discontinued, this court solicit the written consent of the United States before ruling or granting its approval.

Furthermore, pursuant to 31 U.S.C. § 3730(c)(3), the United States requests that all pleadings filed in this action be served upon the United States; the United States also requests that orders

issued by the court be sent to the government's counsel. The United States reserves its right to order any deposition transcripts and to intervene in this action, for good cause, at a later date.

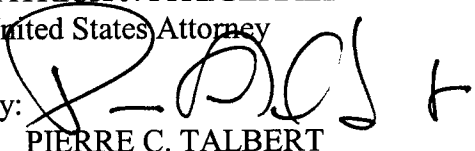
Finally, the United States requests that only the complaint, this notice, and the court's Order be unsealed and served upon the defendants. All other contents of the court's file in this matter (including, but not limited to, any applications filed by the United States for an extension of the sixty-day investigative period or for any other reason, oppositions filed by the United States in response to the relator's motions, reply briefs, memoranda, and supporting documents) should remain under seal and not be made public or served upon the defendants.

A proposed order accompanies this notice.

Respectfully submitted,

PATRICK J. FITZGERALD
United States Attorney

By:


PIERRE C. TALBERT
Assistant United States Attorney
219 South Dearborn Street
Chicago, Illinois 60604
(312) 353-4088

Dated: September 8, 2005

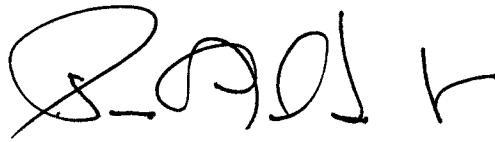
CERTIFICATE OF SERVICE

PIERRE C. TALBERT hereby certifies that on September 8, 2005, he caused a copy of:

**GOVERNMENT'S NOTICE OF ELECTION TO DECLINE INTERVENTION and
PROPOSED ORDER**

to be placed in a postage-paid envelope addressed to the following named individual(s) and deposited in the United States mail in the United States Courthouse, Chicago, Illinois.

To: Barry A. Spevack, Esq.
Monico Pavich & Spevack
20 South Clark Street
Suite 700
Chicago, Illinois 60603

A handwritten signature in black ink, appearing to read 'P. Talbert', is written over a horizontal line.

—
PIERRE C. TALBERT
Assistant United States Attorney